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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,031	03/08/2001	Toshihisa Satake	01 -202	2801

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EXAMINER

NGUYEN, BINH AN DUC

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/802,031

Applicant(s)

SATAKE, TOSHIHISA

Examiner

Binh-An D. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Applicant's Request for Continued Examination filed August 2, 2004 has been approved. Further, the Amendment filed November 4, 2004 has been received. According to the Amendment, claims 1, 6, and 7 have been amended. Currently, claims 1-7 are pending in the application. Acknowledgment has been made.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin et al. (4,952,922) in view of Itai et al. (5,880,709).

Griffin et al. teaches a game method, apparatus, or storage medium having readable program code means therein for determining specified object position, comprising: generating map data (or means thereto) to display a map image on a display unit (55) of the game apparatus, the map image two-dimensionally expressing a corresponding three-dimensional map which includes information representing a predetermined three-dimensional field, wherein the three dimensional map is divided into a plurality of small regions and displayed on the display unit (55) (Figs. 3b, 4 and 6); virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight

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lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the three-dimensional map; projecting the predetermined viewpoint onto the three-dimensional map (Figures 3a, 3b, and 4; 5:33-47, 6:1-17 and 6:38-54); and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field (Figure 3a); virtually disposing the three-dimensional map in parallel to the map image at a backward position thereof seeing from a predetermined viewpoint, such that straight lines extending from the predetermined viewpoint to given points on a peripheral edge of the map image further pass through corresponding points on a peripheral edge of the three-dimensional map (Figure 3a); projecting the predetermined viewpoint onto the three-dimensional map via a position of the cursor displayed on the map image; and detecting a point on the three-dimensional map where the projected viewpoint intersects the predetermined three-dimensional field; advancing the game by an operator a position of at least one combat element (aircraft or tank or helicopter, 10:35-41) in at least one of the small regions, wherein the game progresses by moving and specifying the position of the combat element; the predetermined three-dimensional field includes a plurality of areas, and the detecting step includes detecting which of the plurality of areas includes the detected point (Figures 3a and 4); the map data generating step includes generating map data to display an area on the map image, which corresponds to the detected area, on the display to be distinguishable from other areas (123a-123c)(Figure 3b); the

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predetermined three-dimensional field represents a ground surface (Figures 3a and 4; 7:27-44).

Griffin et al. does not explicitly teach the limitations of generating cursor data to display a cursor on the displayed map image; controlling a position of the displayed cursor in accordance with an instruction from an operator; and determining the detected point as a position where the cursor specifies on the displayed map image; and progressing the game using the cursor. Itai et al., however, teaches an image processing method and system for video game comprising generating cursor data to display a cursor on the displayed map image (Figures 3 and 6); controlling a position of the displayed cursor in accordance with an instruction from an operator; and determining the detected point as a position where the cursor specifies on the displayed map image (Figs.4 and 5); and progressing the game using the cursor to specify the position of a combat element (zooming in/out enemy 610 in three dimensional space)(Figures 10A-10C; 11:2-12:67).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine Griffin et al.'s system and method for determining specified object position in three-dimensional space utilizing ray tracing and inverse ray tracing with the method of controlling character in three dimensional space using a cursor, as taught by Itai et al.'s, to rapidly identify a character displayed on the screen, and further, easily predict the next movement of the character.

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4. Applicant's arguments filed November 4, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning (applicant's remarks, page 7, lines 11-25), it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Since Griffin et al. teaches a game simulation system and method for virtually generating a three-dimensional map having relative position with a combat character (helicopter, tank, etc.) therein; and Itai et al., further teaches a processing method and system using a cursor to control a combat element (enemy character) in a three dimensional video game space, therefore, in view of a person of ordinary skill in the art, it would have been obvious to combine the teaching of Griffin et al. and Itai et al. to rapidly identify a character displayed on the screen, and further, make it easy to predict the next movement of the character in a three dimensional space of a video game using the cursor.

Further, objection to the drawings set forth in the Office action sent January 29, 2004 has been withdrawn.

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Miyamoto et al. (6,155,926) teaches a video game system and method with enhanced three-dimensional character and background control.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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